

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC 02M-83

01507

In the Matter of) MB DOCKET NO. 02-272
)
VOICE IN THE WILDERNESS) File Nos. BALH-20010814AAU
BROADCASTING, INC.)
(Assignor))
)
and)
)
CLEAR CHANNEL BROADCASTING)
LICENSES, INC.)
(Assignee))
)
For Consent to Assignment of License of)
KCOL-FM, Groves, Texas)

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SEP 11 2002

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PREHEARING ORDER

Issued: September 9, 2002 Released: September 11, 2002

The captioned case is conditionally set to be heard under Hearing Designation Order FCC 02-246, released September 5, 2002 ("HDO") to determine whether the public interest, convenience and necessity would be served by the proposed assignment. A formal, on-the-record, evidentiary hearing will be conducted provided that the assignment parties do not within **20 days** jointly elect to defer consideration of the assignment application. See HDO at ¶51.¹

The parties also are authorized to amend their applications within **15 days** from the HDO's mailing. See HDO at ¶52. If the assignment parties elect to file additional materials and do not elect to defer, they shall submit a Status Report by **September 24, 2002**, summarizing the status of the assignment application, as supplemented, and briefly explaining how the new materials remove competitive concerns of the HDO. Any Response or Comment by the Enforcement Bureau should be filed by **October 1, 2002**.

If the parties do not elect to defer adjudication, a Prehearing Conference will be held on **October 16, 2002**. See Order FCC 02M-81, released September 11, 2002. Counsel appearing at the conference shall have filed a Notice of Appearance in accordance with 47 C.F.R. §1.221.² Counsel at the conference shall include lead litigation counsel for the hearing.

¹ The Presiding Judge is to be notified on the same day that any such election is filed. Notification by courtesy copy should be sent by fax to OALJ at (202) 418-0195.

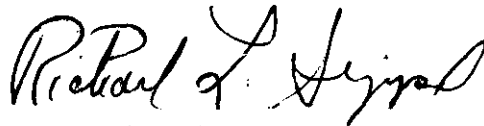
² Notices of Appearance are to be filed on or before **September 25, 2002**. HDO at ¶53. Copies of Notices of Appearance are to be faxed to the Presiding Judge on the date filed.

The Federal Rules of Civil Procedure with respect to expert witnesses shall be utilized, where applicable and appropriate, to facilitate discovery (e.g., data compilation and bases for expert opinions), while respecting privileges.³ Shortened methods of proof are the goal, and counsel may agree to categories of proof and evidentiary procedures which utilize proxy or surrogate evidence. Counsel are urged to agree to use frozen direct testimony and deposition testimony as evidence where possible and practicable.

Finally, there shall be a schedule set for completion of document and deposition discovery (including depositions of expert witnesses), submission of trial briefs, exchange of cases in chief, notification of witnesses for cross-examination, and dates for hearings. Counsel for the assignment parties shall consult with Bureau counsel and the parties shall submit jointly a proposed schedule by **October 11, 2002**.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Richard L. Sippel".

Richard L. Sippel
Chief Administrative Law Judge

³ See, e.g., FRCP 26(a)(2) (disclosure of expert testimony) and FRCP 26(b)(4)(5) (trial preparation, experts, privilege and protection).